

CITY-COUNTY GENERAL ORDINANCE NO. 73, 1981
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 81-AO-8

AMENDMENT TO
CBD-SPECIAL DEVELOPMENT DISTRICT
ZONING ORDINANCE
OF
MARION COUNTY, INDIANA
(Ordinance 68-AO-7)

METROPOLITAN DEVELOPMENT COMMISSION

1981

Officially adopted
August 3, 1981

CITY-COUNTY GENERAL ORDINANCE NO. 73, 1981
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DOCKET NO. 81-AO-8

AN ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY
COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION
COUNTY, INDIANA

Section 1. That Marion County Council Ordinance No. 8-1957 adopted by the Marion County Council on March 28, 1957, and the CBD-SPECIAL DEVELOPMENT DISTRICT ZONING ORDINANCE of Marion County, Indiana (Ordinance 68-AO-7) adopted as an amendment thereto, pursuant to Chapter 283 of the Indiana Acts of 1969, be amended as follows:

That Chapter I, section 1.00 (A) of said CBD-SPECIAL DEVELOPMENT DISTRICT ZONING ORDINANCE of Marion County, Indiana (Ordinance 68-AO-7) be amended to read as follows:

CHAPTER I

SECTION 1.00 ESTABLISHMENT OF CBD-SPECIAL DEVELOPMENT ZONING DISTRICT -- PERMITTED USES

- A. The following primary CENTRAL BUSINESS ZONING DISTRICT for Marion County, Indiana, is hereby established, and land within said County is hereby classified, divided and zoned into said district as designated on the CBD SPECIAL DEVELOPMENT DISTRICT ZONING MAP, which MAP is attached hereto, incorporated herein by reference and made a part of this ordinance. No use shall be permitted in said DISTRICT other than the following permitted uses.

CBD-SPECIAL DEVELOPMENT DISTRICT (CBD-S)

PERMITTED USES

All uses permitted within the CBD-S DISTRICT shall be subject to the Metropolitan Development Commission's approval, except as provided below, as included within a required site and development plan filed with and approved by said Commission as hereinafter provided.

PUBLIC AND SEMIPUBLIC STRUCTURES AND USES, PARKS AND OPEN SPACE, including but not limited to museums, auditoriums, theaters, amphitheaters, exhibition halls or exhibition spaces, civic centers, libraries, governmental office complex, malls, greenways, and recreational uses such as sports stadia, marinas, and similar uses - (as approved by the Metropolitan Development Commission as hereinafter provided).

APARTMENT COMPLEX, APARTMENT HOTELS, HOTELS, MOTOR HOTELS - (as approved by the Metropolitan Development Commission as hereinafter provided).

BUSINESS OFFICE-APARTMENT COMPLEX, or other planned complex, which may include business, professional and consumer service offices, retail sales and service uses, or other appropriate uses and accessory facilities therefor (as approved by the Metropolitan Development Commission as hereinafter provided).

SALES OF BEVERAGES, FLOWERS AND FOOD FROM A PORTION OF THE SIDEWALK ABUTTING THE SAME BUSINESS PREMISES - (as approved by the Metropolitan Development Commission as hereinafter provided).

Provided, however:

Permission shall be secured from the appropriate governmental unit the use the right-of-way.

A detailed site plan showing the use and location of all furniture and equipment (including tables, barriers, chairs, signs, awnings, trash receptacles and umbrellas) on the portion of the sidewalk, the color and design of such furniture and equipment and the movement of people on the portion of the sidewalk must be approved by the Administrator of the Division of Planning and Zoning.

SALES OF BEVERAGES, FLOWERS AND FOOD FROM CARTS ON SIDEWALKS AND PUBLIC AREAS (as approved in accordance with Article XXIII, Chapter 17 of the Code of Indianapolis and Marion County, Indiana.)

Provided, however:

A cart shall be defined as a wheeled device, not propelled by a motor, no larger (exclusive of canopy) than six (6) feet in length, three (3) feet in width and five (5) feet in height, constructed so an operator may not stand on or in the device.

Permission shall be secured from the appropriate governmental units to use the right-of-way and public areas.

The color and design of the cart (including signs, trash receptacles and umbrellas) and the uniform of the operator must be approved by the Administrator of the Division of Planning and Zoning.

INDUSTRIAL RESEARCH AND DEVELOPMENT PARK (as approved by the Metropolitan Development Commission as hereinafter provided).

OFF-STREET PARKING GARAGES AND LOTS, (as approved by the Metropolitan Development Commission as hereinafter provided).

ACCESSORY OFF-STREET PARKING WITHIN BUILDINGS - (as approved by the Metropolitan Development Commission as hereinafter provided).

Provided, however, that no use, building or structure shall hereafter be established, constructed or used on any land in the CBD-S District for any purpose other than lawfully existed on the date of the adoption hereof until a site and development plan for said land, including the proposed CBD-S use or uses shall have been filed with and approved by the Metropolitan Development Commission. Provided, however, the SALES OF BEVERAGES, FLOWERS AND FOOD FROM CARTS ON SIDEWALKS AND PUBLIC AREAS shall be approved in accordance with Article XXIII, Chapter 17 of the Code of Indianapolis and Marion County, Indiana and shall not be subject to the provisions of this paragraph.

Said site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:

- (1) Proposed CBD-S uses.
- (2) Any existing uses, buildings and structures.
- (3) Proposed buildings and structures.
- (4) Off-street parking layouts.
- (5) Vehicular entrances and exists and turn-off lanes.
- (6) Setbacks.
- (7) Landscaping, screens, walls, fences.
- (8) Signs; including locations, size and design thereof.
- (9) Sewage disposal facilities.
- (10) Storm drainage facilities.
- (11) Other utilities if above ground facilities are needed.

The Metropolitan Development Commission may consider and act upon any such proposed site and development plan, and approve the same in whole or in part, at any public meeting of the Commission. Public notice thereof shall not be required; however, the owner, petitioner filing such plan shall have the right to appear and be heard. Such site and development plan, and uses and structures therein, shall:

- (1) be so designed as to create a superior land development plan, in conformity with the Comprehensive or Master Plan of Marion County, Indiana.
- (2) create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the CBD-S District and with adjacent uses;
- (3) provide sufficient and adequate access, parking and loading areas;
- (4) provide traffic control and street plan integration with existing and planned public streets and interior access roads;

- (5) provide adequately for sanitation, drainage and public utilities; and
- (6) allocate adequate sites for all uses proposed--the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive or Master Plan of Marion County, Indiana.

SECTION 2. SEVERABILITY

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision, or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this ordinance as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.

NOW BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect from and after this date.

CITY-COUNTY COUNCIL OF INDIANAPOLIS
AND OF MARION COUNTY, INDIANA

Beurt SerVaas

President (or Presiding Officer)

Date: August 6, 1981

Attest: Beverly S. Rippy
(Clerk)